

Message

From: Jones, Russell [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4795FDC630C34BE4AED0C6416A20D606-RUSSELL JONES]
Sent: 5/7/2019 5:50:06 PM
To: McNally, Robert [McNally.Robert@epa.gov]
CC: Ellis, Frank [Ellis.Frank@epa.gov]; Leahy, John [Leahy.John@epa.gov]; Wozniak, Chris [wozniak.chris@epa.gov]
Subject: RE: Observations from USDA Biostimulants meeting this AM

Rose was on the phone, but I didn't hear anything about EPA foot-dragging. But then, they did know that I was participating on the phone this morning, so likely would not have said anything like that while I was listening in. Who knows what is being said now.

There is a lot of misinformation out there (fake news) that Chris Wozniak has already alluded to, and it seems that there are trolls out there throwing spaghetti at the wall to see if anything sticks. Or maybe just to provoke a response.

Russ

From: McNally, Robert
Sent: Tuesday, May 07, 2019 1:43 PM
To: Jones, Russell <Jones.Russell@epa.gov>
Cc: Ellis, Frank <Ellis.Frank@epa.gov>; Leahy, John <Leahy.John@epa.gov>; Wozniak, Chris <wozniak.chris@epa.gov>
Subject: RE: Observations from USDA Biostimulants meeting this AM

Russ,

Thanks.

I think Rose K from Oregon may have been on the phone for your USDA meeting this am. At the pre-SFIREG meeting, I think Rose mentioned that someone at USDA indicated that EPA "was dragging their feet" on biostimulants.

Did you hear anything like that? I find it hard to believe that anyone at USDA would say something like that.

Bob

From: Jones, Russell
Sent: Tuesday, May 07, 2019 1:40 PM
To: McNally, Robert <McNally.Robert@epa.gov>
Cc: Ellis, Frank <Ellis.Frank@epa.gov>; Leahy, John <Leahy.John@epa.gov>; Wozniak, Chris <wozniak.chris@epa.gov>
Subject: RE: Observations from USDA Biostimulants meeting this AM

Bob:

It is hard to say. They "seem" to have pushed the PVP approach to a lower priority, as they did not even discuss it in the morning session although USDA "facilitation" for the voluntary program is mentioned as a bullet point on Slide 8.

They seemed to be more focused on tweaking the definition of PBS in the Farm Bill to add something to the effect that "PBS also facilitate nutritional processes in plants" but that was a bit nebulous. And they kept on referring to the European Commission definition and interpreting it to mean that if something was called a PBS, then it was not a plant regulator. I stayed silent, but I think they are strongly misinterpreting the EC definition for their own de-regulatory goals.

They definitely want to “better” define PBS and nutritional chemicals; as well as trying to get all 50 States on board with a common labeling system.

When they kept on bringing up the Farm Bill definition and the EC definition as justifications for changing the regs, I did weigh in to state that the definition in the Farm Bill did not amend FIFRA, and that there still was no PBS definition in FIFRA, only a Plant regulator definition.

I think we are in for a wild ride over the next year until 12/20/2019.

Russ

From: McNally, Robert

Sent: Tuesday, May 07, 2019 1:24 PM

To: Jones, Russell <Jones.Russell@epa.gov>

Cc: Ellis, Frank <Ellis.Frank@epa.gov>; Leahy, John <Leahy.John@epa.gov>; Wozniak, Chris <wozniak.chris@epa.gov>

Subject: Re: Observations from USDA Biostimulants meeting this AM

Russ,

Thanks.

Do you agree with my interpretation re: the industry’s new slides from the April 22 version? Seems to be a significant change in their approach — less on USDA as the regulatory fix, and more on EPA’s regulations being fixed. Change definitions and expand exemptions??

It seems as if USDA would still do a voluntary program.

Did Terri Stone cover any of this?

Thanks

Bob

Sent from my iPhone

On May 7, 2019, at 1:15 PM, Jones, Russell <Jones.Russell@epa.gov> wrote:

Bob:

The group has gone to lunch and will reconvene to focus on their work group subcommittees – I will steer clear of that and get back to my PRIA work. However I did glean the following highlights from the morning session:

There were general queries regarding whether the 30-day extension on the comment period had been granted. I said I didn’t know.

And how long it would take to respond to the comments to the Guidance. I basically gave Rick K’s answer at the May 7 meeting (“It depends on the comments”)

USDA (Steve Crook – APHIS)

- Farm Bill mandated report due on 12 20/2019.
- USDA is taking lead on report and will consult with EPA and industry throughout the process.

- Final draft will need buy-in from all levels at USDA. Draft pathway will be Administrator (Kevin Shea?) to Undersecretary to Secretary (presumably after EPA consultation and agreement). Time to clearance at all USDA levels and delivery of report to Congress is uncertain.
- AMS bailed out of meeting (expressed reason was “other commitments”) and is in holding pattern until they get specific marching orders or requests for exactly what is needed from them in the Report.
- No discussions regarding the PVP program, but that may occur this afternoon. We will need to see what Colin Stewart reports to us from the afternoon session.

AAPFCO [Eddie Simmons (WSDA)]

- AAPFCO has created a Plant Biostimulant Task Force (PBSTF), although there has been little activity yet
- AAPFCO-PBSTF will advance issues/concerns of States to USDA to include in the report to Congress
- State Issues/Concerns
 - State regulators and industry have different, sometimes incompatible goals
 - States don't believe that regulation (at State level) can be defined by specifically product composition, or MOA, or by claims because the products are too complex, have multiple MOAs, and multiple (overlapping and sometimes conflicting) claims.
 - Unsure about creating a new Federal regulatory structure; may be too difficult to build.

AAPCO [Cary ()]

- PBS Guidance doc is heavily plant regulator-oriented (Russ Note: It was supposed to be, but I guess they didn't read the fine print)
- AAPCO regulators always have a difficult time distinguishing between a pesticide and no-pesticide
- Acknowledge problem for Industry of 50 States and 50 State regulatory regimes, but offered no solution.
- In “wait and see” mode until USDA report to Congress draft appears.

NASDA [Britt ()]

- Recognition that PBS are important to US agriculture
- want to participate in helping USDA craft their report, and represent State interests
- also in a “wait and see” mode

Industry/BPIA/USBC ([Terry Stone (Agrinos) did most of the talking but various speakers during slide presentation])

- Discussion revolved mostly around definitions (Farm Bill and EC definitions), what is a nutrient?
- due to a late start (40 min late) due to USDA phone connection issues, this was sort of a free-for-all for about an hour before the lunch break
- general discussion of the slides, which should be self-explanatory,
- nothing else of substance before the break

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